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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDGAR DEL RIO,

Defendant.

2:19-cr-00022-JCM-VCF

Preliminary Order of Forfeiture

This Court finds that defendant Edgar Del Rio pled guilty to Count One of a One-Count Criminal Information charging him with conspiracy to commit mail fraud in violation of 18 U.S.C. §§ 1341 and 1349. Criminal Information, ECF No. __; Plea Agreement, ECF No. __; Change of Plea, ECF No. __.

This Court finds defendant Edgar Del Rio agreed to the forfeiture of the property and the imposition of the in personam criminal forfeiture money judgment set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. __; Plea Agreement, ECF No. __; Change of Plea, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and the offense to which defendant Edgar Del Rio pled guilty.

The following property and money judgment are any property, real or personal, which constitutes or is derived from proceeds traceable to violations of 18 U.S.C. § 1341, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or 18 U.S.C. § 1349, conspiracy to commit such offense, and are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p):

1. \$106,150;
2. \$20,400.32;
3. \$34,364;
4. \$40,010;
5. \$50,126.59;
6. \$4,998;
7. \$10,908;
8. \$15,278;
9. \$6,975;
10. \$4,644.;
11. \$3,101;
12. \$1,824;
13. \$13,146
14. \$1,785;
15. \$14,439;
16. \$9,887;
17. \$8,253;
18. \$138;
19. \$12,464.03; and
20. \$18,950

(all of which constitutes property)

and an in personam criminal forfeiture money judgment of \$350,000, not to be held jointly and severally liable with his codefendant, the collected money judgment amount between the codefendants is not to exceed \$9,000,000, and that the following property will be applied toward the payment of the money judgment:

- a. \$18,950

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1 This Court finds that the United States of America may amend this order at any time
2 to add subsequently located property or substitute property to the forfeiture order pursuant
3 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

4 The in personam criminal forfeiture money judgment complies with *Honeycutt v.*
5 *United States*, ___ U.S. ___, 137 S. Ct. 1626 (2017).

6 This Court finds the United States of America is now entitled to, and should, reduce
7 the aforementioned property to the possession of the United States of America.

8 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
9 DECREED that the United States of America should seize the aforementioned property.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United
11 States recover from Edgar Del Rio an in personam criminal forfeiture money judgment of
12 \$350,000.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
14 rights, ownership rights, and all rights, titles, and interests of Edgar Del Rio in the
15 aforementioned property are forfeited and are vested in the United States of America and
16 shall be safely held by the United States of America until further order of the Court.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
18 of America shall publish for at least thirty (30) consecutive days on the official internet
19 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
20 describe the forfeited property, state the time under the applicable statute when a petition
21 contesting the forfeiture must be filed, and state the name and contact information for the
22 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
23 and 21 U.S.C. § 853(n)(2).

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
25 or entity who claims an interest in the aforementioned property must file a petition for a
26 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
27 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
28 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's

1 right, title, or interest in the forfeited property and any additional facts supporting the
2 petitioner's petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
4 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
5 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
6 not sent, no later than sixty (60) days after the first day of the publication on the official
7 internet government forfeiture site, www.forfeiture.gov.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
9 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
10 Attorney's Office at the following address at the time of filing:

11 Daniel D. Hollingsworth
12 Assistant United States Attorney
13 501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
15 described herein need not be published in the event a Declaration of Forfeiture is issued by
16 the appropriate agency following publication of notice of seizure and intent to
17 administratively forfeit the above-described property.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
19 copies of this Order to all counsel of record and three certified copies to the United States
20 Attorney's Office, Attention Asset Forfeiture Unit.

21 DATED Feb 26, 2019, 2019.

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24 UNITED STATES DISTRICT JUDGE
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